

Application Serial No. 10/738,930  
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**REMARKS**

Upon entry of this Amendment claims 1-22 are pending in the Application.

Claims 1-22 are subject to a restriction requirement under 35 U.S.C. § 121. The Examiner indicates that claims 1-12 are drawn to a method for forming a door shield, as classified in Class 156, Subclass 60. Claims 13-22 are drawn to a vehicle door, classified in Class 442, Subclass 35.

The Applicants' attorney would like to thank the Examiner for the courtesies during the interview conducted on 12 October 2005. While prior art and claim scope were discussed, no agreement was reached.

The Examiner indicates that the respective inventions are distinct. The Examiner observes that inventions I and II are related as a process and a product made. The Examiner indicates that the respective inventions are distinct in that the product can be made by another method, i.e., extruding the scrim and pad and using an adhesive to join the scrim and pad.

The invention of Group II, claims 13-22 has been provisionally elected in the telephone conversation with William Hanlon of June 6, 2005. Affirmation of this election is required in this Reply. The election is affirmed by this action.

Claim 19 currently stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Claim 19 has been amended, paying careful attention to the Examiner's comments. It is respectfully submitted that, by this Amendment, claim 19 now comports with the provisions of 35 U.S.C. § 112, second paragraph.

Claims 13-15, 17, and 19 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by Thompson et al. The Examiner indicates that the Thompson reference discloses an acoustical insulating web and a method for attenuating sound waves comprising a laminate of a nonwoven insulation web comprising thermoplastic fibers and a scrim layer. The laminate is adapted to be applied to the inner panel of a vehicle door. The non-woven web is considered to

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comprise thermoplastic fibers and the scrim is a spun bond nonwoven scrim material that will provide the integrity of the laminate.

The Applicants' invention as set forth in claim 13 is directed to a watershield mountable on a vehicle door comprising: means for forming a first layer of a hydrophobic air restricted but breathable scrim and means for forming a second layer of an open cell polymeric foam as well as means for joining the first and second layers together. It is respectfully submitted that the Thompson reference fails to teach or suggest an open cell polymeric foam. Thus, it is submitted that the Applicants' invention as set forth is not taught, anticipated or rendered obvious by the Thompson reference.

Claim 14 also stands rejected under 35 U.S.C. § 102(b) as being anticipated by Thompson et al. Claim 14 as amended is directed to a vehicle door watershield mountable on a vehicle door. The vehicle door includes an inwardly facing trim member and an outwardly facing panel member. The door shield comprises a laminate consisting of a first layer joined to a second layer. The first layer is oriented in the direction of the outer panel of the vehicle door and is formed of a controlled permeability non-woven scrim. The second layer is oriented in the direction of the inwardly facing trim member and is formed of one of a lofted fiber pad and an open cell polymeric foam. Support for claim 14 as amended is found variously in the specification and in drawing Figure 1. It is respectfully submitted that the Thompson reference fails to teach or suggest a laminate that consists of a first layer and a second layer. The first layer is oriented in the direction of the outer panel of the vehicle door and the second layer is oriented in the direction of the inwardly facing trim member. It is respectfully submitted that the Thompson reference teaches a construct in which a second layer is encased in between a scrim and a film. The Thompson reference teaches that the film 14 is a necessary component of the structure disclosed therein. Thus, it is submitted that the Applicants' invention as set forth in claim 14 is not taught, anticipated or rendered obvious.

Claims 15, 16, 17, 18, and 19 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Thompson. These claims depend from claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention as set forth in claims 15-19 is not taught, anticipated or rendered obvious by the cited reference for the reasons discussed previously in conjunction with claim 14.

Claim 18 currently stands rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over Thompson et al. The Examiner contends

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that the Thompson reference discloses the claimed invention except for teaching that the first layer has an air permeability greater than 0. It is the Examiner's position that, while Thompson fails to disclose the claimed air permeability, it is reasonable to presume that the air permeability property is inherent to the Thompson invention. The Examiner supports this presumption by citing the use of like materials, i.e., spun-bonded scrim and a non-woven pad. The Examiner considers that the burden is on the Applicant to prove otherwise. Additionally, the Examiner contends that the presently claimed property of an air permeability greater than 0 would obviously have been present once the Thompson product was provided.

Claim 18 depends from claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention as set forth in claim 18 is not taught, anticipated or rendered obvious by the cited references.

Claim 16 currently stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. in view of Klaff. The Examiner indicates that the Thompson reference discloses the claimed invention except for teaching that the scrim comprises a polymeric apertured film. The Klaff reference is cited as disclosing a weather-resistant insulating textile comprising a thin film of perforated chemical-resistant polymer. The Examiner contends that it would have been obvious to one having ordinary skill in the art to have used Klaff's perforated film as the scrim in Thompson et al.

Claim 16 depends from claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention as set forth in claim 16 is not taught, anticipated or rendered obvious by the cited references for the reasons discussed previously in conjunction with claim 14.

Claims 20-22 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson in view of Potts. The Examiner contends that the Thompson reference discloses the claimed invention except for the teaching that the nonwoven scrim is formed as a spun-bond melt-blown spun-bond trilaminate, and that the trilaminate further comprises a fluorocarbon or silicon additive. The Potts reference is cited as disclosing a nonwoven laminiporous structure comprising two adjacent nonwoven layers and a scrim layer interposed

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therebetween. See column 9, lines 3-9. An additive can be added to the laminate including siloxane-containing compounds (see column 10, lines 24-28) and fluorine-containing materials (see column 12, lines 61-63). The laminate can comprise an SMS structure (column 16, lines 32-34). The Examiner contends that it would have been obvious to one having ordinary skill in the art to have used the SMS structure of Potts as the scrim in Thompson et al. motivated by the desire to create a composite that couples the barrier properties of the meltblown web with the strength and abrasion resistance of the spunbonded webs (see column 16, lines 63-66). The Examiner also contends that it would have been obvious to have used the siloxane or fluorine-containing additives of Potts in the web of Thompson, motivated by the desire to create a web having water-wettability, antistatic properties, and alcohol repellency.

Claims 20-22 depend from independent claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention as set forth in claims 20-22 is not taught, anticipated or rendered obvious by the cited references for the reasons discussed previously in conjunction with claim 14.

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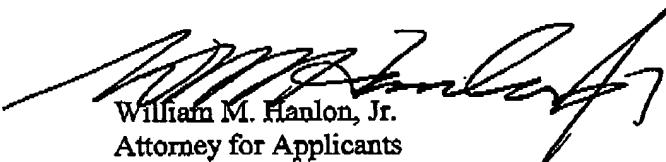
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In summary, claims 13, 14, 15, 17, 18, 19 and 20 have been amended. New claim 23 has been added. Arguments and discussion have been presented as to why the Applicants' invention as set forth in the claims is not taught, anticipated, or rendered obvious by the cited references taken alone or any permissible combination. As a result of this amendment, it is submitted that the Applicants' invention as set forth in claims 13 - 23 is in a condition suitable for allowance. A notice of allowance is respectfully requested.

Respectfully submitted,

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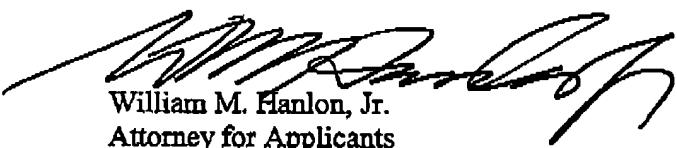
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